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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,266	07/29/2003	Arthur Croft	2123-Util	4717

7590

12/07/2004

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EXAMINER

ALI, SHUMAYA B

ART UNIT PAPER NUMBER

3743

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/628,266

Applicant(s)

CROFT ET AL.

Examiner

Shumaya B. Ali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/29/2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-12 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: detailed action.

DETAILED ACTION
Specification

1. The abstract of the disclosure is objected to because of the minor informalities. See MPEP § 608.01(b).

Applicant is reminded of the proper format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by the traction device of Goodley US Patent 4,407,274.

2. As to claims 1-5, and 10, Goodley discloses a self actuated cervical traction device for performing traction on a person's neck comprising, a headpiece (see fig.11, reference object 11a), said headpiece adapted to be secured about the head and further including a first loop (see fig.11, reference object 14), said first loop including a connection anchor (see fig.1, anchor connecting 16 and 18), a cord (see fig.1, reference object 18), said cord affixed to said connection anchor, a force redirection means (see

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fig.1, reference object 19), said force redirection means adapted to permit said cord to movably reside thereon, a second loop (see fig.3, reference object 27c), said second loop including a second connection anchor (see fig.3, reference object 27a), said cord affixed to said second connection anchor, whereby said second loop is placed about the patient's feet, the patient then extends their legs carefully, causing said cord to pull, creating a pull-force, said force redirection means redirecting said pull-force to said first loop by said first anchor, causing said neck to be pulled by said pull-force in a manner replicating traction (see col.2 lines 14-16, col.3 lines 29-31).

3. **As to claim 2, Goodley** additionally discloses headpiece includes a first side and a second side, the first loop connected to the second side (see labeled fig.11).

4. **As to claim 3, Goodley** discloses the second side of the headpiece having an upper portion, a lower portion, a right side and a left side, wherein the majority of the first loop is generally attached about the second side of the lower portion (see labeled fig.11).

5. **As to claim 4, Goodley** discloses the second side of the right side having a right connection element attached to the right side by a first connection means (see fig.7, reference objects 11b,e), and the second side of the left side having a left connection element connected to the left side by a second connection means (see fig.7 and 8, reference objects 11,c,e, col.4 lines 44-49).

6. **As to claim 5, Goodley** discloses a strap adapted to be placed about the forehead of a person, said strap has a front side, a back side, a right side and a left side, said strap said back side resides on the forehead of said person (see fig.11, reference object 11).

7. **As to claim 10, Goodley** discloses a traction device to be used by a patient comprising: an adjustable headpiece (see fig.11 reference object 11a), said headpiece attached to the head of the patient, a loop (see fig.11 reference object 14) connected to said headpiece, a cord (see fig.1 reference object 18)

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attached to said loop, a pulley (see fig.1 reference object 19), means to secure said pulley to a closed door (see col.3 lines 18-22), said cord further passing through said pulley and forming a second loop (see fig.3 reference object 27c), said second loop adapted to receive the feet of the patient, whereby when the patient lies down, and then further extends their legs, said cord is placed in tension, pulling on said headpiece, further pulling on head in a therapeutic fashion (see col.2 lines 14-16,29-31).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodley US Patent 4,407,274 in view of Tsujino US Patent 6,418,565 B1.

9. As to claim 6, Goodley however does not disclose the strap has a padding on a portion of said backside, said padding adapted to come in direct contact with said persons forehead.

10. As to claim 6, Tsujino teaches a wrestling ear guard with a forehead strap comprising a pile type retainer (padding) on a portion of the backside that is adapted to come in direct contact with the forehead.

11. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the head strap of Goodley in view of Tsujino to provide the head strap with a padding portion adapted to come in direct contact with the forehead for the purposes of providing comfort when the strap is tightened about the forehead.

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12. **As to claim 7, Goodley** however does not disclose the right side of the strap slidingly interfits through the first connection means, and the left side slidingly interfits through the second connection means.

13. **As to claim 7, Tsujino** teaches the right side of the strap slidingly interfits through the first connection means (see fig.1, reference object 46), and the left side slidingly interfits through the second connection means (see fig.3 reference objects 46 on the left and right side of the ear guard, col.6 lines 7-13).

14. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the headpiece of Goodley in view of Tsujino to provide right and left connection means for the purposes of sliding the strap through the connection means.

15. **As to claim 8, Goodley** additionally does not disclose the strap having hook fasteners on a portion of said front side, said strap has loop fasteners on said front side said right side, and said strap has loop fasteners on said front side said left side.

16. **As to claim 8, Tsujino** teaches the strap having hook fasteners on a portion of said front side, said strap has loop fasteners on said front side said right side, and said strap has loop fasteners on said front side said left side (see fig.3, reference objects 48 ab, col.6 lines 36-38)

17. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the headpiece of Goodley in view of Tsujino in order to provide the strap with hook and loop fastener means as claimed by the applicant for the purposes of securing the strap to the headpiece.

18. **As to claim 9, Goodley** does not disclose the strap is placed through said first connection means and said strap is placed through said second connection means, wherein said right side of said strap is folded over, and said left side of said strap is folded over.

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19. **As to claim 9, Tsujino** teaches the strap is placed through said first connection means and said strap is placed through said second connection means, wherein said right side of said strap is folded over, and said left side of said strap (see fig.3, reference objects 38, 46 on the left and right side of the ear guard, col.6 lines 7-13, col.6 lines 15-18). is folded over (see col.6 lines 38-41)

20. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the headpiece of Goodley in view of Tsujino in order to engage the strap as claimed for the purposes of engaging and securing the hook and loop fasteners to the headpiece thereby creating a securing aid to the head.

Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodley US Patent 4,407,274 in view of D'Amico et al. US Patent 6,113,563.

21. **As to claim 11, Goodley** discloses the means to secure the pulley to a closed door comprises a flexible member, said flexible member further affixed to said pulley, whereby when said flexible member is placed in an open doorway, and a door is closed thereon, said flexible member will be secured intermediate said door and said pulley (see fig.1 reference object 20, col.3 lines 18-23)

22. **As to claim 11, Goodley** however does not disclose the means to secure said pulley to the closed door comprises a ball affixed to a flexible member.

23. **As to claim 11, D'Amico et al.** teaches a mounting support can be permanently attachable to a suitable vertical device such as door by means of appropriate set screws or the like or can be a removable device (see fig.1 reference object 36, col.5 lines 17-20)

24. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the tractable device of Goodley in view of D'Amico et al in order to provide the pulley with a

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securing means for the purposes of preventing pulley from moving with respect to its vertical position on the door.

25. As to claim 12, Goodley disclose the headpiece is adapted to have a portion residing on the lowest pad of the back of the skull, intermediate the head and the neck, thus, when the patient extends their legs, said portion residing on the lowest part of the back of the skull helps stretch the muscles at the back of the neck and allow separation of the bones in the neck, causing a therapeutic effect on the patient (see col.2 lines 17-23)

Conclusion

26. The prior art of record and not relied upon is considered pertinent to applicant's disclosure: US 0923862 A, US 2151458 A, US 2183265 A, US 2740399 A, US 3540439 A, US 4236265 A, US 4685671 A, US 5052378 A, US 5078126 A, US 5129881 A, US 5131410 A, US 5267352 A, US 5685021 A, US 5713841 A, US 5867834 A, US 5964506 A, US 6511450 B1, US 6607245 B1, US 6648416 B2, US 6668834 B1, US 2183265 A, US 4407274 A, and GB 2203348 A disclose various head and neck tracking device; US 6200285 B1, US 6381760 B1, US 20020134390 A1, and US 20040144390 A1 disclose forehead support piece.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shumaya B. Ali whose telephone number is 571-272-6088. The examiner can normally be reached on M-F 8:30 am-4:30 pm.

28. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on 571-272-4791. The fax phone number for the organization where this application or proceeding is assigned is 571-273-6088.

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29. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shumaya Ali 11/22/04
Shumaya B. Ali
Examiner
Art Unit 3743

Henry Benney
Henry Benney
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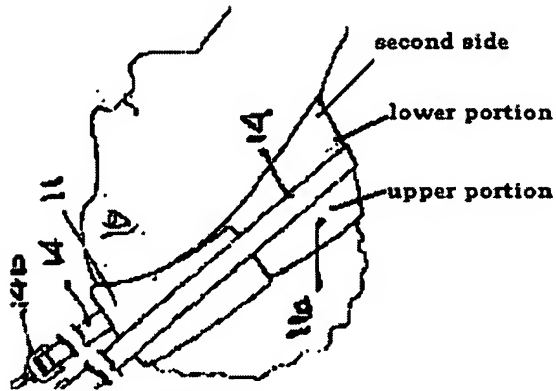


Fig. 11

Prior Art US Patent 4,407,274
Goodley